affecting the presentation, other than by visual modification of the selected presentation element, based on the sensed control element identifier; and

displaying the at least one selected presentation element.

REMARKS

Claims 1-16 and 18-22 are pending in this application. By this Amendment, claims 1, 9, 16, 21 and 22 are amended. Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Entry of the amendments is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1-16 and 18-22 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent 5,960,448 to Reichek et al. (hereinafter "Reichek") in view of U.S. Patent 5,144,114 to Wittensoldner et al. (hereinafter "Wittensoldner"). Applicants respectfully traverse the rejection.

In particular, Applicants submit that neither the applied references suggest or disclose a system that controls a presentation using a tangible, sensible identification-carrying device comprising at least one presentation element identifier that identifies at least one presentation element, the system comprising a sensor that senses the at least one presentation element identifier and at least one control element identifier for controlling the presentation element

identified by the at least one presentation element identifier, as recited in independent claim 1 and similarly recited in independent claims 9, 16 and 22.

In contrast to the claimed invention, Reichek instead discloses a system for controlling a presentation wherein a barcode scanner senses a barcoded presentation element identifier on a document. A controller recognizes the scanned barcode and identifies it with a presentation element. The presentation element is then displayed on a display device. As admitted in the Office Action, Reichek fails to teach the presence of a control element identifier that associates a control element.

The Office Action relies upon Wittensoldner to teach this feature. However, Wittensoldner teaches a barcode which can be used to increase the volume of a device attached to a barcode scanner. For example, in a grocery store, a clerk or supervisor could place a barcode over the barcode scanner which would cause the output volume of a speaker attached to the scanning device to increase. The Office Action alleges that based on the disclosure of Wittensoldner, it would have been obvious to modify Reichek to make use of this feature. However, Applicants respectfully submit that merely adding a volume control device based on a barcode to the system of Reichek would fall short of the claimed invention. In Wittensoldner the bar code for increasing the volume is completely unrelated to the individual elements being scanned by the scanner, such as groceries. Wittensoldner affects a universal change to the system by increasing the volume. Thus, the control element is not for controlling the element identified by the element identifier. Thus, the only motivation to combine Wittensoldner with Reichek and to extend the capability of Wittensoldner so that not only the volume of the device would be used but that the presentation element itself would be controlled by the barcode is the disclosure of Applicants' invention. Thus, the rejection of the claims based on Reichek in view of Wittensoldner is founded on improper hindsight reconstruction of the claimed invention, and yet still falls short of reaching the

claimed invention. Accordingly, Applicants respectfully submit that claims 1, 9, 16, 21 and 22 are patentable over the combination of applied references. Dependent claims 2-8, 10-15 and 18-20 are likewise patentable over the combination of applied references for at least the same reasons as independent claims 1, 9, 16, 21 and 22.

Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 and 18-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Phillip D. Mancini
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JAO:PDM/ccs

Attachment:
Appendix

Date: April 29, 2003

**OLIFF & BERRIDGE, PLC**
**P.O. Box 19928**
**Alexandria, Virginia 22320**
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

APPENDIX

Changes to Claims:

The following are marked-up versions of the amended claims:

1. (Twice Amended) A system that controls a presentation using a tangible, sensible identification-carrying device comprising at least one presentation element identifier that identifies at least one presentation element, the system comprising:

a sensor that senses the at least one presentation element identifier and at least one control element identifier for controlling the presentation element identified by the at least one presentation element identifier;

a controller that selects the at least one presentation element identified by the at least one presentation element identifier and affects the presentation based on the sensed at least one control element identifier; and

a display that displays the at least one selected presentation element.

9. (Twice Amended) A method for controlling a presentation using physical objects comprising:

presenting to a sensor a tangible, sensible identification-carrying device comprising at least one presentation element identifier that identifies at least one presentation element and at least one control element identifier that identifies at least one control element for the at least one presentation element identified by the at least one presentation element identifier;

sensing the at least one presentation element identifier and the at least one control element identifier;

selecting the at least one presentation element identified by the at least one presentation element identifier;

affecting the presentation based on the sensed control element identifier; and

displaying the at least one selected presentation element.

16. (~~Twice~~Three Times Amended) A system that generates physical objects usable to control a presentation, comprising:

a controller that associates at least one control element with at least one control element identifier;

a generator that provides a tangible, sensible identification-carrying device with the at least one control element identifier that identifies a function associated with the at least one control element for controlling at least one presentation element identified by at least on presentation element identifier; and

a memory that stores at least one of the at least one presentation element, at least one presentation element identifier, the at least one control element identifier and the at least one control element.

21. (Amended) A system that controls a presentation using a tangible, sensible identification-carrying device comprising at least one presentation element identifier that identifies at least one presentation element, the system comprising:

a sensor that senses the at least one presentation element identifier and at least one control element identifier;

a controller that selects the at least one presentation element identified by the presentation identifier and affects the presentation of the at least one presentation element based on the sensed at least one control element identifier other than by visual modification of the identified at least one presentation element; and

a display that displays the at least one presentation element.

22. (Amended) A method for controlling a presentation using physical objects comprising:

presenting to a sensor a tangible, sensible identification-carrying device comprising at least one presentation element identifier that identifies at least one presentation element and at least one control element identifier that identifies at least one control element for the at least one presentation element identified by the at least one presentation element identifier;

sensing the at least one presentation element identifier and the at least one control element identifier;

selecting the at least one presentation element identified by the at least one presentation element identifier;

affecting the presentation, other than by visual modification of the selected presentation element, based on the sensed control element identifier; and

displaying the at least one selected presentation element.